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Thematic issues: women, the girl child and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS); and gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance

Thematic issues before the Commission on the Status of Women

Report of the Secretary-General

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Introduction

1. According to its programme of work, the Commission on the Status of Women at its forty-fifth session will review analytical reports on two thematic issues: (a) women, the girl child and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS); and (b) gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance.

2. The Commission has repeatedly discussed women and HIV/AIDS in the follow-up to the Fourth World Conference on Women, inter alia, when it reviewed the critical area of concern "Women and health" at its forty-third session in 1999. At its forty-fourth session, it adopted resolution 44/2[1] on "Women, the girl child and HIV/AIDS" in which it noted the increasing proportion of women living with HIV/AIDS in every region, especially sub-Saharan Africa, and among younger age groups. In the same resolution, the Commission stressed that every effort should be made by Governments, relevant United Nations agencies, funds and programmes and intergovernmental and non-governmental organizations, individually and collectively, to place combating HIV/AIDS as a priority on the development agenda and to implement effective prevention strategies and programmes. It also called upon the international community to intensify its support of national efforts against HIV/AIDS, particularly in favour of women and young girls, in the worst-hit regions of Africa and where the epidemic was severely setting back national development gains.

3. In order to contribute to a further understanding of the issue, the Division for the Advancement of Women of the United Nations Secretariat convened, in collaboration with the World Health Organization (WHO) and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) (UNAIDS), an Expert Group Meeting on "The HIV/AIDS pandemic and its gender implications", which took place in Windhoek (Namibia) from 13 to 17 November 2000.

4. The results will also be of relevance for the special session of the General Assembly to review the problem of HIV/AIDS in all its aspects (2001) and to coordinate and intensify international efforts to combat the pandemic (see paras. 37-64).[2] Recommendations may also be forwarded to the special session of the Assembly on children concerning the follow-up to the World Summit for Children, as they will be of relevance when HIV/AIDS is considered in the context of the rights of the child.

5. With regard to the second theme, entitled "Gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance", the Commission addressed these issues in the context of the implementation of the Beijing Platform for Action[3] adopted by the Fourth World Conference on Women in 1995. The Beijing Platform for Action drew attention to cross-cutting factors, such as age, disability, socio-economic position or belonging to a particular ethnic or racial group, that could combine with discrimination on the basis of sex and create specific barriers for women, who would thereby experience multiple disadvantages.

6. The Platform for Action identified a number of critical areas of concern that implicitly recognized the impact of multiple forms of discrimination against women — areas such as education and training, violence, armed conflict, participation in decision-making, the economy and human rights. These issues were considered and the relevant agreed conclusions were adopted by the Commission.[4]

7. In addition, the outcome document[5] adopted by the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" called on Governments to take measures to address racism and racially motivated violence against women and girls.[6]

8. However, these different forms of discrimination have been considered separately with little focus on their intersection. Interlinked and mutually reinforcing trends that have emanated from the recent global United Nations conferences and summits have intensified the need for a comprehensive analysis of the intersection of all forms of discrimination against women. Accordingly, the Commission decided to consider the issue of gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance, at its forty-fifth session with special focus on the intersection of gender and racial discrimination and its impact on women and girls.

9. To assist the Commission in its deliberations, the Division for the Advancement of Women, in collaboration with the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Fund for Women (UNIFEM), convened an Expert Group Meeting on the theme of "Gender and racial discrimination" which took place in Zagreb, Croatia, from 21 to 24 November 2000. The recommendations of the Expert Group Meeting are set out in the present report (see paras. 102-121).

10. The aim of this report is to identify policy measures that might be of relevance at the international, regional and national levels to combat HIV/AIDS, especially among women and girls. It also sets out recommendations to accelerate efforts towards the elimination of all forms of discrimination against them, in particular racial and gender discrimination, thus contributing to the achievement of the goals for gender equality. The recommendations contained in this report emerged from the expert group meetings that the Division for the Advancement of Women organized in collaboration with WHO and UNAIDS, and the Office of the United Nations High Commissioner for Human Rights and UNIFEM, as indicated in paragraphs 3 and 9 respectively. The reports of both expert group meetings are before the Commission as background documents in one official language of the United Nations only.

I. Women, the girl child and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS)

A. Dimension of the pandemic

11. The HIV/AIDS pandemic is growing with alarming speed. Estimates indicate that by December 2000, worldwide 36.1 million people were living with HIV, up from 10 million in 1990, 95 per cent of them in developing countries. AIDS is the number one cause of mortality in sub-Saharan Africa with over 24.2 million adults being infected. By the end of 2000, an estimated 10.9 million men and 13.3 million women in Africa were living with HIV. Since the beginning of the pandemic, an estimated 21.8 million have died of AIDS, three quarters of whom were in Africa. Over 13.2 million children have been orphaned as a result of AIDS, over 12 million of them in Africa.

12. Seventy per cent of worldwide infection occurred through unprotected sexual intercourse. This makes women and girls particularly vulnerable to HIV/AIDS infection owing to their biological condition as well as economic and social inequalities and culturally accepted gender roles which leave them in a subordinate position to men over decisions concerning sexual relations. As a result, HIV/AIDS has become a major challenge to achieving gender equality and the advancement of women. The interplay between gender and the HIV/AIDS pandemic and the necessity of considering gender relations have been recognized as constituting a key issue when looking at the cultural, social, economic and human rights dimensions of the pandemic, and need to be discussed in relation to human security.

B. Activities at international level with regard to gender and HIV/AIDS

13. The seriousness of the HIV/AIDS pandemic has been pinpointed on several occasions at the international level and is now recognized as a phenomenon with wide development and human security implications. There is growing recognition that HIV/AIDS is not just a serious health issue; rather it goes beyond the issue of health to cut across all critical areas of concern such as poverty, the economy and human rights of women as outlined in the Beijing Platform for Action.

14. The Security Council, in its first debate on HIV/AIDS in the context of global security in early 2000, emphasized that HIV/AIDS was likely to pose a major threat to stability and security. The Council recognized the magnitude of the AIDS pandemic in Southern and Eastern Africa and its threat to economic, social and political stability. There were few sections of society unaffected by the pandemic in the hardest-hit regions of the world. AIDS impacted upon agricultural and industrial production through its effects on the supply of labour; it affected education through its impact on the teacher workforce and on pupil attendance; it affected health services in terms of both supply and demand; and it threatened good governance through both social and economic instability and the illness and death of politicians, decision makers and the productive workforce including civil servants.

Council resolution 1308 (2000) stressed the need for coordinated efforts of all relevant United Nations entities to address the HIV/AIDS pandemic in line with their respective mandates and to assist, wherever possible, in global efforts against the pandemic. The Council expressed concern at the potential damaging impact of HIV/AIDS on the health of international peacekeeping personnel, including support personnel, and requested the Secretary-General to take further steps towards the provision of training for peacekeeping personnel on issues related to preventing the spread of HIV/AIDS. However, the gender dimension of HIV/AIDS within the context of global security was not addressed by the Council, neither in its debate nor in its resolution.

15. The five-year reviews of the General Assembly of global conferences addressed the problem of HIV/AIDS and set targets for reduction of new infections and access to appropriate health-care services. The twenty-first special session of the Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development[7] held in 1999 called for reductions in new infections by 25 per cent among persons 15 to 24 years of age in the most affected countries by 2005, and support to Governments in ensuring that at least 90 per cent of young people aged 15 to 24 had access by 2005 to the information, education and services necessary to protect themselves against HIV/AIDS infection, and at least 95 per cent by 2010.[8] Similarly the overall review and appraisal of the implementation of the outcome of the World Summit for Social Development (2000), encouraged the 25 African countries most affected by HIV/AIDS to adopt time-bound targets for reducing infection levels, such as a target for reducing infection in young people by 25 per cent by 2005.[9]

16. The outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (2000) identified HIV/AIDS as one of the major challenges affecting the full implementation of the Beijing Declaration and the Platform for Action. A number of recommendations for further action were adopted relating to the prevention and treatment of HIV/AIDS in line with key actions coming out of the twenty-first special session of the Assembly.

17. The Committee on the Elimination of Discrimination against Women has frequently raised the issue of HIV/AIDS when considering the reports of States parties to the Convention on the Elimination of All Forms of Discrimination against Women[10] under article 18. In its concluding comments, the Committee has expressed concern about the effect of the HIV/AIDS pandemic among young women in the context of prostitution, trafficking in women and girls, health education, and lack of statistical data on HIV/AIDS, including sex-disaggregated data and risks of mother-to-child transmission. Specifically, in its General recommendation No. 15,[11] in 1990, the Committee addressed the issue of "Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)". In General recommendation No. 24[12] on article 12 of the Convention in 1999, the Committee requested States parties to report on actions taken to address the magnitude of women's ill health, in particular when it arose from preventable conditions, such as tuberculosis and HIV/AIDS.[13]

C. Human security, human rights, gender and HIV/AIDS

18. The widespread abuse of human rights and fundamental freedoms associated with HIV/AIDS has emerged globally in the wake of the pandemic. The patterning of HIV/AIDS reflects global inequalities, which increase in conditions of poverty and conflict. HIV/AIDS is a development issue that impacts on all levels of society and all issues of concern, from health, education and economy to governance. The increased vulnerability of women and girls in many parts of the world points to the gender inequalities that put women at a higher risk and spread the pandemic. Women's and girls' relative lack of power over their bodies and their sexual lives, which is supported and reinforced by their social and economic inequality, makes them more vulnerable in contracting and living with HIV/AIDS. Any effective response to the pandemic has to address these interrelated levels of gender inequality, as well as the global inequalities that frame them.

19. An emphasis on human rights is central to effective work in dealing with HIV/AIDS. A human rights approach emphasizes the claims or entitlements that all people have to a full and satisfying life, in

which each person is able to develop to her or his full human potential. Respect of human rights also requires that States and non-State actors ensure that these claims are met, thus affirming democratic principles of accountability and participation. Importantly, human rights set standards for human well-being and development, and constitute important means for the achievement of this.

20. There has been progress in relation to achieving de jure and de facto equality for women on the one hand and to considering the interlinkage between HIV/AIDS and human rights on the other hand. However, HIV/AIDS has been addressed in relation to health only in relevant core international documents on women's human rights: the Convention on the Elimination of All Forms of Violence against Women, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration[14] and Platform for Action, and the outcome documents of the twenty-first (1999) and twenty-third (2000) special sessions of the General Assembly. It has as yet been insufficiently mainstreamed as a cross-cutting concern, and not enough attention has been paid to human rights as they relate to gender and HIV/AIDS. The primary rights response to HIV/AIDS is set out in *HIV/AIDS and Human Rights: International Guidelines*.[15]

21. Human security presumes freedom from want and fear, as well as access to and control of resources and opportunities. The evolving concept of human security implies shifting the emphasis from the security of States to the security of people. It emphasizes the roles and responsibilities of States with respect to ensuring the security of their citizens and recognizes the ways in which problems cross borders and boundaries. It acknowledges the need for multifaceted responses to human security issues in times of peace and conflict, including conflict prevention and post-conflict reconstruction and transformation. As a consequence, the direct and reciprocal relationship between increased vulnerability to, and impact of, HIV/AIDS, and decreased human security is at stake. In order to integrate a gender perspective into the understanding of the linkage between HIV/AIDS and human security, it is important to consider the existing gender norms that result in the differing roles and expectations for women and men. These roles, expectations and norms heighten the vulnerability of women and girls both to HIV infection and to the impact of HIV and AIDS.

22. Human security and human rights are both crucial in addressing HIV/AIDS. In many ways, human security is not a new concern, as human rights already contain many of the substantive aspects of human security. As a concept, human security provides significant added value because it acknowledges that, in a globalizing world, threats to human rights often result from forces beyond or across national borders. It emphasizes that effective responses to such threats require cooperation between States, and between States and intergovernmental organizations, transnational corporations and civil society organizations; and promotes anticipation and prevention of problems, rather than later intervention. The gender dimensions of human security and human rights in the context of HIV/AIDS are complex, and as yet only partially formulated. Nevertheless, they have implications for priority key issues.

D. Key issues and concerns

23. The protection of women's rights is essential to ensure an effective, rights-based response to HIV/AIDS. It has been recognized that when human rights are protected, they can reduce the spread of the disease and the effect on living conditions of people infected with HIV/AIDS and their families. Many violations of human rights are gender-specific and demand gender-sensitive approaches.

24. Economic security and economic rights are key issues in addressing HIV/AIDS. Poverty is a human security and human rights issue that affects the ability of both women and men to protect themselves from HIV infection and to maintain their health and well-being after infection. Poverty is a high-risk factor for HIV infection and a result of the impact of the pandemic, depleting families of all resources and income and endangering the survival of future generations. The intersection of poverty with gender inequality shapes women's particular vulnerability. Women's unequal access to economic resources and their economic dependence on men mean that they are often unable to negotiate safe sex. Many women of all ages are forced to resort to exchanging sex for survival, as men provide them with necessary goods such as income, shelter and school fees in return for sexual relations. Other women may be forced to resort to different forms of sex work in order to survive.

25. Economic insecurity in rural areas causes migration to overcrowded and unsanitary accommodation in urban areas. Men and women who leave home in search of work may have an increased vulnerability to HIV/AIDS. Men who seek work in urban areas, the military and mines, and women who find jobs as domestic workers, may be separated from spouses for extended periods. Men working in mine and farm compounds that lack accommodation for wives and children run a higher risk of exposure to HIV infection owing to the separation from their families and their involvement with different sex partners. Persons displaced owing to natural disasters, the destruction of local housing, conflict or economic disadvantage are vulnerable to HIV infection or the impact of AIDS in camps and overcrowded temporary shelters.

26. National and household food security is a concern in many of the countries most affected by the HIV/AIDS pandemic, as they are highly dependent upon food production, and most of their workforce, in particular women, are working in this sector. Moreover, increasing poverty means that farmers can no longer afford essential inputs, such as seed, fertilizers and pesticides. Women face particular constraints as farmers, processors and marketers of food, including lack of training, resources and land rights. For women infected with HIV and working in agriculture, the contamination by pesticides may have a negative impact on their immune system and multiply the risks posed by unsafe working conditions amplified by poverty, illiteracy and cultural constraints. Weakness and exhaustion caused by HIV infection can lead to the inability to perform agricultural tasks resulting in reduced crop yields and a shift away from labour-intensive crops such as maize, groundnuts and horticultural crops. Yet in some countries, emphasis on high input requiring crops has caused the marginalization or disappearance of many nutritious, low input requiring indigenous food crops which could be useful in maintaining good health for people infected by HIV. The combination of the above factors can lead to widespread malnutrition and starvation in some areas.

27. The right to be free from discrimination on the basis of sex is often violated since HIV/AIDS stigmatizes women and men in gender-specific ways. Women face greater stigmatization than men, especially when HIV is considered a sign of sexual promiscuity. Women who are known to have or suspected of having HIV/AIDS are more likely to be blamed, stigmatized and even abandoned by their families. They face discrimination in accessing health care and education, in housing and in their enjoyment of other rights. People living with HIV/AIDS are often forced to leave their jobs and struggle to obtain further employment. In particular, stigmatization causes delays in accessing testing, counselling and health-care services.

28. Violence against women contributes directly and indirectly to women's vulnerability to HIV and their ability to cope with infection. Physical violence, the threat of violence and the fear of abandonment act as significant barriers for women who have to negotiate the use of a condom, discuss fidelity with their partners, or leave relationships that they perceive to be risky. Women who are known to be or suspected of being HIV-positive are especially vulnerable to violence. They face the possibility of being abused, abandoned or killed. Lives of young women and girls are in particular danger, owing to the erroneous belief that sexual relations with young women would be easy and risk-free and would even cure infection among older men. The trafficking of women and girls into prostitution and sexual slavery is another deeply entrenched form of violence against young women fuelled by widespread poverty, international tourism and the forces of globalization.

29. Armed conflict leads to increased vulnerability of women and girls to both HIV infection and the impact of HIV and AIDS. During armed conflict and political instability, women and girls may face systematic rape and other gender-specific war crimes. Girls are particularly vulnerable to abuse, both as civilians and as child soldiers. During armed conflict, men may be recruited into the armed forces and stay away from the household for extended periods. This increases their own vulnerability to HIV infection, and that of their partners upon their return. In conflict and post-conflict situations, peacekeeping and peace-building forces may put local women and girls at increased risk as they barter or sell sex for survival.

30. People have a right to protection against HIV infection that derives from a range of internationally recognized human rights including the right to health, to life and to freedom and security of the person. The right to health includes a right to information and prevention. However, because of women's general lack

of autonomy over decisions concerning their bodies and health, HIV testing, as routinely carried out during prenatal examinations, may be undertaken without their informed consent. The male condom, a device used and controlled by men, is the most widely available prevention technology as of today. Access to the female condom is limited by cost and availability as well as by knowledge and information. Microbicides are being developed to protect against sexually transmitted diseases and infections including HIV. Currently, their development is limited by several factors, the most important of which is underinvestment in research and product development. As long as there is no HIV preventive vaccine, emphasis has to be put on prevention technology or behavioural changes.

31. Gender inequalities in access to medical treatments and health services infringe on women's right to health, as they limit women's access to HIV/AIDS treatment, care and support, including antiretroviral therapies. This can be particularly problematic in situations of rape where the victim requires access to antiretroviral therapy as post-exposure prevention. Lack of antiretroviral therapies has an impact on the next generation if the virus is transmitted from the mother to her child during pregnancy, in particular in the last trimester, at birth or through breastfeeding. The availability of a short-course treatment to prevent mother-to-child transmission of HIV is an affordable option for perhaps the majority of developing countries. Yet such treatment is often not provided because of a lack of understanding, lack of availability or even lack of political commitment.

32. The majority of people in developing countries who have been infected do not have access to treatments for opportunistic infections, or to the dietary and food supplements inputs to strengthen the immune system. Such a situation impacts seriously upon women who outnumber men among those infected in some of the poorest countries. If, in addition, women suffer from anaemia or other conditions stemming from repeated pregnancies and childbirth, their immune system is rapidly depleted.

33. Women's traditional role as caregivers in many societies accentuates both the vulnerability of women to HIV/AIDS and the impact of the pandemic on women and girls. State failure and the inability of health-care systems to cope with the demands of caring for infected people have pushed responsibility for care into the private domain of the family and the community where it is exclusively provided by women. While home-based care might be an effective care and support strategy, it can have grave physical, emotional, social and economic consequences for women and girls. The demands of having to provide nursing care to terminally ill and home-bound persons living with HIV/AIDS result in loss of productivity and livelihood by families, in particular by caregiving women and girls. Caregivers cannot hold up regular employment outside the home, and medical bills deplete resources. In rural areas, this can have a direct impact on all farm tasks and quickly erode all gains made previously. The situation is worsened by the isolation of the caregivers from social support networks owing to their inability to participate in usual social activities.

34. In addition to increased domestic workload, which drains their physical energies, many women and young girls are forced to divert their often meagre resources into providing treatment and care, especially when infected people lack access to treatment of opportunistic infections and to primary care in general. If the caretaker is herself infected with HIV, her health might deteriorate quickly under the strain of caregiving. In many cases, young girls are withdrawn from school to care for sick family members or younger siblings, if they are orphans. In some communities, elderly women may be called upon to shoulder the responsibilities of caring for orphaned grandchildren, using all their life savings or resources. In the absence of good information and suitable forms of protection while caring, many elderly women and care providers may themselves be exposed to the risk of HIV infection.

35. People have a right to information and education. This includes education about gender roles, and reproductive health including safe sex as well as HIV and AIDS. In many contexts, women are not supposed to know about sex and sexuality. All over the world, there are strong social pressures and cultural norms to limit women's ability to be informed about the level of risks they might face. They lack access to relevant information, and the resources and skills needed to apply that information to avoid HIV infection, and to reduce the impact if infected. Boys also have limited access to accurate information because of the common assumption that they are already knowledgeable about sex or will learn about it from their peers. Education

for HIV/AIDS prevention and impact alleviation will be most effective when its content meets the needs of learners, their families and the local community and promotes gender equality in attitudes and behaviour. One way that young people can access information on safer sex and HIV/AIDS is through school. However, few schools provide such education and because of a significant gender gap in school enrolment and retention, girls are less likely to gain access to such information. This disadvantage is further exacerbated in AIDS-affected families, where girls are more likely to be withdrawn from school to look after sick relatives or to earn money to support their family.

36. Culture and religion exert significant influence over peoples' lives and the social dynamics between men and women. Since HIV/AIDS is a disease that is closely associated with social conduct and has the potential to aggravate existing inequalities as well as threaten the survival of communities, it is crucial, on the one hand, to identify the cultural and religious practices that may enhance the vulnerability of communities to HIV/AIDS and, on the other hand, to contribute to prevention, treatment, care and support and enhance the well-being and security of both men and women. When there is an appreciation that culture and religion have a dynamic and supportive function in protecting and ensuring the survival and security of both women and men, there is potential for the reinterpretation and revision of practices to minimize risk and reduce negative impacts. This may be achieved through consultation and communication with the communities concerned.

E. Recommendations

37. HIV/AIDS is a development, security and rights issue that threatens the survival not only of individuals but also of communities and nations. The pandemic must now be regarded as a disaster, and as such it requires both short-term relief measures and long-term recommendations aimed at addressing HIV/AIDS, and transforming relations between women and men to eliminate gender inequality and reduce the risk of infection. There is a need for political commitment, adequate resources, good governance and democratic participation to provide a lasting solution. In this context, the Expert Group Meeting made the following recommendations:

Immediate actions

Disaster relief measures for AIDS-affected areas

38. Governments and the international community should:

- Distribute immediately, and at the latest within one year, emergency food aid (including nutrient supplements) and home-based care packs to people living with and affected by HIV/AIDS in the most severely affected countries and regions of the world.

Economic empowerment of women

39. Governments should:

- Enact, implement and enforce urgently, by 2005, laws that grant women equal rights to inheritance and ownership of property, including land, to improve their economic status, to enhance the ability of women, families and communities to deal with HIV/AIDS, and to enhance development.

Provision of gender-sensitive prevention

40. Governments and international agencies should:

- Ensure the provision of accurate and culturally sensitive prevention education, services and technologies (including the male and female condom) within a gender-sensitive framework and with particular emphasis on adolescents and young adults. This work should aim to promote gender equality in relationships, and provide information and resources to promote the practice of safer sex and human rights. Governments and the private sector must also ensure that all forms of media promote non-discriminatory gender-sensitive images of and messages regarding women and men.

Access to treatment and care

41. Governments should:

- Ensure, by 2005, access to free and voluntary counselling and testing for HIV infection, access to affordable treatments for opportunistic infections and antiretroviral therapies, and access to the means to ensure a healthy diet, including recommended nutrient supplements, in order to

increase life expectancy for people living with HIV infection.

Working with men

42. Governments, international organizations and non-governmental organizations should:

- Upscale significantly support for, and active involvement in, work with men to challenge gender inequalities in relation to HIV and AIDS, and to encourage men's fuller participation in prevention, impact alleviation and care. This may include work with formal, informal and traditional men's groups, targeting couples, rather than individuals, for services and interventions, as well as efforts to tackle gender stereotyping in the media.

Culture and religion

43. Governments, international organizations and civil society should:

- Work together with religious and traditional leaders to identify the cultural and religious practices that influence gender relations, and to eliminate practices that increase the vulnerability of women, young girls and children to HIV/AIDS. Such work should be undertaken within the framework of the Vienna Programme of Action adopted at the World Conference on Human Rights[16] (1993). Governments, international organizations and civil society should seek to work with the positive core values and practices of the cultures and religions concerned in HIV/AIDS education including sex and sexuality education, prevention, treatment and care.

Peacekeepers, war and conflict

44. Governments and the international community should:

- Introduce, by 2002, measures including training and a comprehensive code of conduct (and measures for its enforcement) to ensure that peacekeeping and military personnel respect the rights of women and girls in all aspects of their operations.

Specific recommendations

With respect to international institutions

45. All United Nations entities, including the World Bank, other international institutions, treaty bodies, Special Representatives and Special Rapporteurs, should within two years:

(a) Review their constitutions, mandates and relevant conventions, where appropriate, to ascertain their application to HIV/AIDS, with a gender perspective;

(b) Undertake information and training sessions on gender and HIV/AIDS;

(c) Incorporate considerations of HIV/AIDS, gender and human security into their work;

(d) Promote and implement the International Guidelines on HIV/AIDS and Human Rights, with a particular focus on gender;

(e) Review economic and trade policies and practices that result in increased unemployment and cuts in social services, and that discriminate against poor countries and make people vulnerable to HIV/AIDS.

46. The Office of the United Nations High Commissioner for Human Rights/UNAIDS should further develop the International Guidelines on HIV/AIDS and Human Rights with a particular focus on gender.

47. International agencies and organizations should work together, inter alia, through the United Nations theme groups on HIV/AIDS at country level, to maximize resources and coordinate programmes to address HIV/AIDS from within a gender equality and human rights perspective with due consideration to issues of human security.

48. All United Nations organizations should implement Economic and Social Council agreed conclusions 1997/2[17] on mainstreaming the gender perspective into all policies and programmes in the United Nations system.

With respect to orphans

49. The international community and Governments should:

- Enhance the capacity of communities and families to care for their orphans through the provision of relevant sources of funding, and free or sponsored education.

With respect to women's socio-economic status

50. Governments and the international community should:

- Promote pro-employment infrastructural and business investments to reduce the poverty and migration that increase women's vulnerability to HIV and AIDS.

51. Governments should:

- Ensure that people in areas affected by HIV/AIDS should have access to credit and training in financial, marketing and business skills, irrespective of their HIV status.

With respect to food security

52. Governments and the international community should:

- Ensure that local research and agricultural extension services focus on the differential needs of women, men, boys and girls infected and affected by HIV and AIDS;
- Distribute, in a gender-sensitive way, to communities affected by AIDS, planting materials that require low input and low labour, have high-nutrient content, store well and are drought-tolerant.

With respect to health

53. Governments should:

- Provide accessible and free interventions to prevent mother-to-child transmission on the basis of informed choice.

54. Governments and the international community should:

- Scale up their investments in education for prevention, including safer sex, from a gender perspective;
- Prioritize urgent and substantial investment to develop appropriate and affordable HIV-preventive vaccines and microbicides, and to promote the use of the female condom;
- Prohibit the use of immunosuppressing pesticides by smallholder farmers in AIDS-affected areas. Efforts should be made to encourage the use of safe methods of pest control.

With respect to the human rights and legal framework

55. Governments should:

- Enact or strengthen, where appropriate, within two years, laws and codes of conduct to protect women, and people infected and affected by HIV/AIDS against discrimination, and allocate resources for implementation and monitoring;
- Promote and implement the International Guidelines on HIV/AIDS and Human Rights with a particular focus on gender equality, ensuring that national HIV/AIDS programmes and strategies are reviewed from a gender perspective.

With respect to sex work

56. Governments should:

- Implement guideline 4 ("Criminal laws and correctional systems") of the International Guidelines on HIV/AIDS and Human Rights with particular attention to paragraph 29 (c) of the report of the Second International Consultation on HIV/AIDS and Human Rights.[18]

57. Governments and the international communities should:

- Develop programmes for sex workers that protect their human rights and enable them to pursue alternative economic opportunities.

With respect to trafficking

58. Governments should:

- Devise and enforce effective measures, including international agreements on prosecuting traffickers, intermediaries and clients, to stop the trafficking of women, girls and boys for sexual exploitation;

- Make every effort to free the victims of trafficking regardless of their national origin and provide them with immediate medical attention and treatment.

With respect to violence against women and children

59. Governments should:

- Adopt a "zero tolerance" campaign on violence against women;
- Develop effective health sector-based responses to violence against women and children which provide gender-sensitive social and counselling services and referral to legal and law enforcement agencies. Special attention needs to be paid to women at high risk of sexual violence including those in prison and other forms of detention, refugees, asylum-seekers and indigenous women;
- Train law enforcement officers, medical officers and judicial personnel to be more sensitive and responsive to the needs of threatened and abused women and children, particularly children orphaned as a result of AIDS and children heads of households.

60. Governments and civil society organizations should:

- Implement programmes that work with women and men to promote gender equality in relationships and norms supportive of non-violent ways of resolving interpersonal conflicts.

With respect to good governance

61. Governments and the international community should:

- Provide resources and support for community-based initiatives and support groups for women and men living with HIV and AIDS;
- Provide technical and financial support to non-governmental organizations working with or composed of people living with HIV and AIDS, particularly women's groups, in order to support their participation in policy development and programming.

With respect to education

62. Governments, the private sector and civil society should:

- Ensure that schools, further and higher education institutions, and non-formal systems of education play a leading role in preventing HIV infection, stigma and discrimination through attention to a safe environment and the inclusion of gender-sensitive education about safer sex, life skills and behaviour change. Every extra year of schooling would enable young women to improve their reproductive health and family welfare in general.

With respect to substance use

63. Governments should:

- Ensure that substance control efforts do not increase HIV risks through the criminalization, marginalization and discrimination of substance-using populations. Governments and civil society organizations should ensure equal access to gender-sensitive substance use prevention and treatment services, particularly for those people living with HIV/AIDS and their partners.

With respect to research

64. Governments, international organizations and foundations should:

- Fund and support research to clarify the links among development, human rights, human security and HIV/AIDS from a gender perspective; and to identify effective gender-sensitive interventions to promote human rights and human security in relation to HIV/AIDS.

II. Gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance

A. Efforts of the United Nations regarding the issues of racism, and racial and gender discrimination

65. Since its inception, the United Nations has demonstrated a continuous effort to fight against all

forms of discrimination. In addressing this issue, the United Nations has basically followed several directions: the elaboration and adoption of international anti-discriminatory instruments, monitoring their implementation by the State parties, development of policy recommendations, preparations of studies and reports, and information and awareness-raising campaigns through the proclamation of Decades and International Years.

66. Among the underlying principles of the Charter of the United Nations is the international community's commitment to equality and the elimination of discrimination. The Preamble of the Charter reaffirms faith "in the equal rights of men and women", while among the purposes of the United Nations are "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples"; and "to achieve international cooperation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

67. The Universal Declaration of Human Rights[19] elaborates the notion of equality contained in the Charter, and re-emphasizes the importance of the elimination of discrimination. Its preamble recognizes "the inherent dignity" and "the equal and inalienable rights of all members of the human family" as the "foundation of freedom, justice and peace in the world", and reaffirms "faith ... in the equal rights of men and women". The Declaration also provides (article 2) that "everyone is entitled to all the rights and freedoms set forth" in the Declaration "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". The right to non-discrimination in the enjoyment of human rights is codified, in almost identical terms, in the International Covenant on Economic, Social and Cultural Rights[20] and the International Covenant on Civil and Political Rights, both adopted in 1966.[21]

1. The issue of racism and racial discrimination

68. Elimination of all forms of discrimination has constituted one of the fundamental objectives of the United Nations; however, this task has been approached with regard to specific categories of discrimination, rather than in a holistic manner. Racial discrimination and institutionalized racial segregation, known as apartheid, engaged the attention of the international community immediately after the establishment of the United Nations. Among the mandates of the Subcommission on Prevention of Discrimination and Protection of Minorities (now the Subcommission on the Promotion and Protection of Human Rights) created in 1946 was the preparation of studies and formulation of recommendations relating to the protection of racial, national, religious and linguistic minorities. In 1948, the General Assembly unanimously approved the Convention on the Prevention and Punishment of the Crime of Genocide[22] which addresses the intentional destruction of national, ethnical, racial or religious groups.

69. In 1963, the General Assembly adopted the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,[23] which was followed in 1965 by the International Convention on the Elimination of All Forms of Racial Discrimination.[24] In addition to defining racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life", the Convention established the Committee on the Elimination of Racial Discrimination as the mechanism for implementation. The Committee is mandated to consider the reports submitted by States parties to the Convention, as well as individual communications from individuals or groups claiming to be victims of racial discrimination.

70. Three Decades to Combat Racism and Racial Discrimination have been proclaimed by the United Nations, the first beginning in 1973, the second in 1983 and the third in 1993, to ensure intensified national, regional and international action to eliminate racism and racial discrimination in all its forms. The first and second Decades included a World Conference to Combat Racism and Racial Discrimination, the first in 1978 and the second in 1983. The 1978 Conference focused on a world education campaign for measures to be implemented to eliminate racial discrimination, while the 1983 Conference highlighted the importance of national legislation and judicial and administrative action to combat racial discrimination.

71. The 1993 World Conference on Human Rights reiterated the need for speedy and comprehensive

action to eliminate all forms of racism and racial discrimination. The Commission on Human Rights, in the same year, appointed a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance with the mandate to examine institutionalized and indirect forms of racial discrimination against national, racial, ethnic, linguistic and religious minorities and migrant workers throughout the world, as well as to report on racist acts of violence against minorities and migrant workers. Among the issues that the Special Rapporteur has examined are the activities of extreme right and neo-Nazi movements, discrimination against blacks in South America and elsewhere, discrimination against Arabs, anti-Semitism, and discrimination against the Roma populations of Eastern Europe and the Dalit people of India.

72. As was the case for the earlier Decades, the World Conference, which will take place in 2001, forms part of the Third Decade to Combat Racism and Racial Discrimination, but the focus of the third World Conference has been expanded to include xenophobia and related intolerance. The General Assembly has also declared 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

2. The issue of gender discrimination

73. The United Nations efforts to eliminate discrimination based on sex have similarly included the elaboration of a normative framework in this regard, the monitoring of that framework, the preparation of studies and reports and the development of policy, as well as awareness-raising, inter alia, through the International Years, Decades and World Conferences.

74. In 1967, the General Assembly adopted the Declaration on the Elimination of Discrimination against Women,[25] which was followed in 1979 by the adoption of the Convention on the Elimination of All Forms of Discrimination against Women.[10] Both instruments were based on a model of non-discrimination and followed, to some extent, the pattern of the instruments adopted with regard to the elimination of racial discrimination. In particular, the definition of discrimination against women contained in the Convention on the Elimination of All Forms of Discrimination against Women is similar to that contained in the International Convention on the Elimination of All Forms of Racial Discrimination.[24] The implementation mechanism established by the Convention on the Elimination of All Forms of Discrimination against Women, namely, the Committee on the Elimination of Discrimination against Women, replicated that established under the International Convention on the Elimination of All Forms of Racial Discrimination, although its mandate was confined to consideration of reports and did not include the power to receive individual communications. The mandate of the Committee has since been expanded by the Optional Protocol to the Convention adopted by the Assembly in its resolution 54/4 of 6 October 1999 to include the power to receive individual communications and to inquire *suo moto* into grave or systematic violations of the Convention's terms.

75. The United Nations world conferences on women, held in 1975, 1980 and 1985, addressed discrimination on the grounds of sex within the broad topic of "equality". However, none addressed the intersection of this discrimination with other forms of discrimination or the impact on women of multiple forms of discrimination. Nonetheless, these issues were taken up tangentially in the recommendations made by these conferences with regard to "vulnerable groups of women", who were perceived as including refugees, minority and indigenous women and migrant women.

76. The 1993 World Conference on Human Rights added a new dimension to the international community's efforts to eliminate discrimination in all its forms, inter alia, with regard to discrimination on the basis of sex. It made clear that violations of the human rights of women in situations of armed conflict were violations of the fundamental principles of international human rights and humanitarian law and called for steps to be taken to ensure that the human rights activities of the United Nations regularly addressed violations of women's human rights, including gender-specific abuses.

77. Following the recommendations of the World Conference on Human Rights, in 1993, the General Assembly adopted the Declaration on the Elimination of Violence against Women[26] in 1993, which in its preamble draws attention to the especial vulnerability to violence of women belonging to minority groups, refugee women and migrant women. In 1994, the Commission on Human Rights appointed the Special Rapporteur on violence against women, its causes and consequences, the first gender-specific human rights mechanism. Since that time, her work has taken

account of the diverse situations of women and girls with regard to the various forms of gender-based violence.

78. The directive that the equal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity, and in particular its human rights programme, adopted by the World Conference on Human Rights, was strengthened by the Fourth World Conference on Women, held in Beijing in 1995, through the commitment by Governments in the Beijing Declaration and Platform for Action to the promotion of an active and visible policy of mainstreaming a gender perspective into all policies and programmes. The Economic and Social Council reaffirmed this commitment in its agreed conclusions 1997/2.[17]

79. A positive step forward was also the adoption by the Committee on the Elimination of Racial Discrimination of General Recommendation XXV[27] on gender-related dimensions of racial discrimination at its fifty-sixth session in March 2000.

80. The recommendation acknowledged that racial discrimination does not always affect women and men equally or in the same way and that racial discrimination may escape detection if there is no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life (para. 1). The recommendation makes clear that certain forms of racial discrimination may be directed towards women specifically because of their gender, such as the sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict; the coerced sterilization of indigenous women; and the abuse of women workers in the formal sector or domestic workers employed abroad by their employers. It notes that racial discrimination may have consequences that affect primarily or only women, such as pregnancy resulting from racial bias-motivated rape, and that women may be further hindered by a lack of access to remedies and complaint mechanisms because of gender-related impediments, such as gender bias in the legal system and discrimination against women in the private sphere (para. 2). As a result of its recognition of the multiple dimensions of racial discrimination and its intersection with gender, the Committee has been developing a methodology to ensure that these issues are addressed in all aspects of its mandate.

81. Gender perspectives are also being integrated into the work of the human rights special procedures and some of the thematic mechanisms. The Representative of the Secretary-General for internally displaced persons and the Special Rapporteurs on freedom of religion or belief, and the promotion and protection of the right to freedom of opinion and expression, have considered a gender perspective in their work. The impact of multiple forms of discrimination on the enjoyment by women and girls of their human rights is perhaps best reflected in the reports of the Special Rapporteur on violence against women, its causes and consequences, inter alia, with regard to specific themes and in her on-site visits. It is expected that as the Special Rapporteur on the human rights of migrants develops her mandate she will pay close attention to the situation of migrant women, especially with regard to racial discrimination.

82. Another contribution to the intersectional analysis of gender and racial discrimination and its impact on women and girls was the adoption by the General Assembly in its resolution 52/86 of 12 December 1997 of the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. The Rome Statute of the International Criminal Court[28] of 17 July 1998 specifically addresses gender-based crimes, as do the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. Notably, the International Criminal Tribunal for Rwanda has concluded that rape and sexual assault committed with the specific intent of destroying, in whole or in part, a particular group constitute acts of genocide. In 2000, the Security Council, for the first time, considered the situation of women in armed conflict and adopted resolution 1325 (2000) in that respect. In that resolution, the Council called on all parties to armed conflict to take special measures to protect women and girls from all forms of gender-based violence, in particular rape in situations of armed conflict (para. 10).

B. Intersection of gender and racial discrimination

1. Conceptualizing of intersectional discrimination

83. The Expert Group Meeting, in its discussions, described the multiple forms of discrimination as compound discrimination, multiple burdens, or double or triple discrimination. Intersectionality was defined as a conceptualization of the problem that sought to capture both the structural and the dynamic consequences of the interaction between two or more forms of discrimination. It specifically addressed the manner in which racism, patriarchy, class oppression and other discriminatory systems create inequalities that structure the status of various groups of women.

84. The Expert Group Meeting used the definition of racial discrimination contained in part I, article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. According to the Convention, racial discrimination is "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". The term "race" was therefore used in a broad sense to include all forms of group-based discrimination, based on formal racial distinctions, as well as those based on colour, ethnicity and caste whether by descent and/or occupation, national origin or ancestry.

85. The Expert Group Meeting noted that racial discrimination and gender discrimination were frequently viewed as separate, and sometimes even mutually exclusive, problems. As a result, the relative experiences of intersectional discrimination were not adequately analysed or addressed by traditional concepts of race and gender discrimination. The problems were categorized as manifestations of either gender or racial discrimination.

86. There were situations where the conditions encountered by women of a specific group were simply claimed to be women's problems. The aspects of the circumstance that might have resulted in its being defined as constituting an intersectional problem were absorbed into a gender framework. This occurred without any attempt to acknowledge the possibility or likelihood that racism, or some other form of intolerance, might have contributed to the circumstance. Therefore, the full scope of problems that were the result of both race and gender discrimination escaped effective analysis. Consequently, efforts to remedy the condition or abuse in question might be inefficient and inadequate.

87. The issue of the trafficking of women was such an example. When attention is paid to the ways in which women enter trafficking networks, the immediate link to their racial and social marginalization becomes obvious. Yet the problem of trafficking is often seen solely as a problem within a gender framework, rather than as a problem of racial and other forms of discrimination. Consequently, efforts to address trafficking may be less successful than if they were grounded in an understanding of the full magnitude of the problem, including both race and gender dimensions.

88. A parallel concern was the case in which a group of women experienced difficulties because they were women, and these difficulties were seen not as issues of gender discrimination but rather as the result of their belonging to a certain racial or ethnic group. An illustration of such a situation might be found in the forced, non-consensual sterilization of women belonging to racial or ethnic groups. Although women are victimized by the denial of their reproductive rights, the assault may be perceived solely as an egregious example of race discrimination perpetrated against marginalized peoples. In this context, the gender dimension becomes invisible owing to the dominance of race or ethnicity factors.

89. Intersectional discrimination was particularly difficult to identify when social, economic and cultural dimensions of life were viewed as natural or at least as unchangeable facts of life. This situation might be better captured through the experiences of women belonging to a certain caste. Women might be beaten and abused at wells and in other public spaces when they were fulfilling their gender responsibilities, such as fetching water. The background context was that they belonged to the caste of untouchables. Here, they were vulnerable as women and as members of the caste, who might be assaulted by members of a higher caste if it was perceived that they had transgressed their caste's boundaries. Although this violence has been most commonly framed simply as anti-caste discrimination, it is also an example of gender

discrimination. These women must negotiate a complex set of circumstances, as their gender role puts them in a position where they become objects of caste discrimination in the public sphere.

90. The most recognizable examples of intersectional discrimination were ethnic, or race-based violence against women. Recent events in Bosnia and Herzegovina, Rwanda, Burundi and Kosovo sadly illustrate the examples of intersectional violence. Incidents of rape constituted examples where racism and sexism were manifested together. These acts represented race- or ethnic-based targeting of women for an explicitly gender-based violation.

91. Acts of intersectional discrimination were not limited to sexual violence. In employment, education and other arenas, women were sometimes subject to such discrimination simply because they were not men and because they were the members of marginalized groups in society. They might be excluded on the basis of race from jobs designated for women, and they might be excluded from jobs reserved for men on the basis of gender. Another example was the case where women migrants were deprived of educational opportunities, or received fewer educational opportunities than men migrants or women from the non-migrant population.

92. Another manifestation of intersectional discrimination might be defined as structural in nature. This phenomenon represented a full range of circumstances in which policies intersected with existing structures of inequality to create a compounded burden for particularly vulnerable persons. What distinguished this intersectional problem was that the policy in question did not in any way target women; it simply intersected with the existing structures to create a discriminatory effect.

93. Examples of this kind of discrimination might be illustrated by the disproportionate negative impact of economic restructuring on women (for a detailed analysis of economic restructuring from a gender perspective, see the *1994 World Survey on the Role of Women in Development: Women in a Changing Global Economy*[29] and the *1999 World Survey on the Role of Women in Development: Globalization, Gender and Work*[30]. In the process of economic restructuring, cuts in government spending on basic social services have had a negative impact on women by increasing the burden on them of providing these services at the household level. Women are required to deal with consequences of the unmet needs in addition to their traditional family responsibilities which already are not equally shared between them and men. In addition, class structures determine which women will physically perform this work, and which women will have this work performed by paying more economically disadvantaged women to do it. Thus, poor women must bear the burden of caring for the families of others as well as their own.

94. As this example suggests, the consequences of intersectional discrimination may not be intended or planned. However, the assumed gender neutrality of macroeconomic policy, when it intersects with the existing structure of inequality, disproportionately affects women, with socially or economically marginalized women affected even more.

2. Mainstreaming a gender perspective into race-based work and racial analysis into gender-based work

95. The conceptualizing of the intersection of gender and race discrimination and its impact on women and girls became possible owing to two main factors: first, the increasing recognition of gender analysis and gender mainstreaming strategy at the policy and law creation levels; and second, the broader understanding of the forms of racial discrimination and the development of new approaches to eliminate it.

96. Gender mainstreaming applies not only to differences between women and men, but also to differences within the general category of women. There is growing recognition that the failure to attend to the various "differences" that characterize the problems and predicaments of different groups of women can obscure or deny the human rights protection due to all women. While it is true that all women are in some way subject to gender discrimination, it is also true that other factors relating to women's social identities such as class, caste, race, colour, ethnicity, religion and national origin are "differences that make a difference" in the ways in which various groups of women experience discrimination. These factors can create problems and vulnerabilities that are unique to particular groups of women or that disproportionately affect some women relative to others. Just as women's gender-specific characteristics can no longer be justifications for denying their equality with men, including the

realization of their human rights, neither should "differences among women" be allowed to marginalize certain groups of women, or to deny them the same human rights available to other women.

97. The imperative of achieving goals of gender equality and eliminating all forms of discrimination requires not only the mainstreaming of a gender perspective into race-based work, but also the integration of race and related differences into gender-based work. Thus, the Committee on the Elimination of Discrimination against Women has also begun to address the situation of women who may be affected by racial discrimination in its review of reports of States parties.

98. Ensuring that all women enjoy human rights requires attention to the various ways gender intersects with a range of other identities, and the way these intersections contribute to the unique vulnerability of different groups of women. The specific experiences of ethnically or racially defined women are often obscured within the broader category of gender. When this occurs, the full scope of their intersectional vulnerability cannot be identified and properly addressed.

C. Conclusions: the need for an intersectional methodology to eliminate all forms of discrimination against women

99. International treaties and national laws and regulations are designed to provide extensive protection against all forms of discrimination. Thus, to the extent that the International Convention on the Elimination of All Forms of Racial Discrimination is intended to protect individuals from race discrimination, the rights protected therein encompass all aspects of race discrimination, including those aspects that affect women and men differently. The same interpretation applies to gender discrimination: the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women encompass the full range of race-related experiences of gender discrimination. So, there is no need to develop any additional instruments to protect the rights of the victims of intersectional discrimination.

100. However, rather than take a holistic approach to the elimination of discrimination, the United Nations generally has continued to address specific categories of discrimination. Accordingly, at the national level, the interpretation of discrimination has been also narrow, capturing only one form of discrimination and avoiding its intersection with other forms. Meanwhile, in light of the increasing volume of evidence that discrimination is multifaceted, and incorporates multiple elements, there appears to be an increasing recognition of the need to have a more contextual approach in addressing discrimination.

101. Therefore, the Expert Group Meeting agreed that there was an urgent necessity to develop the methodology to identify intersectional discrimination and its effect on people, in particular women and girls, and to uncover the ways in which various structures of discrimination converge to their disadvantage in both public and private life. This intersectional methodology should form the basis for design and implementation of policies and programmes in that area and for establishing legal instruments for necessary remedies and redress.

D. Recommendations to Governments

102. The Expert Group Meeting recalled that, as stated in human rights documents, the ultimate responsibility for the respect, protection, promotion and fulfilment of the human rights of all individuals and groups lies with the State.

103. The meeting recommended that Governments:

- Examine the intersection of race and gender in order to develop and implement strategies aimed at the elimination of gender-based racial discrimination. Design, with the full participation of women, all anti-racist policies to be gender-sensitive and implement and monitor those policies;
- Review all government policies and laws, including those on citizenship and immigration, for their impact on the elimination of all forms of discrimination and the achievement of gender equality with particular reference to marginalized women;

- Establish and/or strengthen legislation and regulations against all forms of racism, including its gender-specific manifestations;
- Review national mechanisms to ensure the possibility for women of seeking protection and remedies against intersectional discrimination based on race and gender;
- Provide financial and other resources for anti-racist and gender-sensitive training for the judiciary, police and relevant governmental officials and personnel to increase their sensitivity to racial discrimination in a gender-specific manner;
- Develop special training programmes to eliminate any racist and sexist stereotypes and prejudices among officials and staff most frequently in contact with marginalized women, such as labour officials, teachers, health professionals, immigration authorities, policemen, judges and other law enforcement officials;
- Encourage educational institutions to adopt policies of equal opportunities, and monitor their implementation with the participation of teachers, parents and boys and girls, and establish measures to address the interaction between racist and sexist prejudice and stereotypes;
- Ensure the implementation of International Labour Organization conventions on equal treatment and non-discrimination in the field of labour standards and social security;
- Design and implement policies and measures to criminalize trafficking, punish traffickers, and empower trafficked persons to regain control over their lives, inter alia, through special protection measures for women who wish to escape from traffickers (such as sheltered housing and special residence permits), and social inclusion programmes providing access to training and employment opportunities;
- Design anti-trafficking campaigns in such a way as to avoid negative stereotyping of marginalized women and the dissemination of sexist/racist prejudice;
- Design policies and implement practices that provide "safety net" benefits for poor and disadvantaged women.

104. The meeting agreed on the need for scrutiny and rethinking of immigration and refugee laws and policies at the international, regional and national levels.

105. The meeting recommended that Governments:

- Review and repeal all legislation and policies on immigration that result in discrimination against immigrant women;
- Provide full access for women within immigration communities to transparent, open and effective investigative and prosecutorial machinery to seek redress for violations of international human rights laws;
- Provide immigrant women and women who have no legal immigration status with full and equal access to all the resources and preventative measures against violence available to other women in the community, as well as access to appropriate interpretation and support facilities;
- Develop policies and programmes, including quotas, to increase participation of immigrant women in decision-making, in particular at the local level;
- Ensure priority and adequate funding for non-governmental organizations that work specifically with immigrant women at the international, regional and national levels.

106. The meeting noted with concern the increasing rate of female incarceration, especially among marginalized groups of women.

107. The meeting recommended that Governments:

- Increase resources for education and training of incarcerated marginalized women;
- Ensure the protection of fundamental rights of incarcerated marginalized women including reproductive rights, hygiene, access to legal advice and services, and the right to have dependent children join them;
- Urged those States that had not yet done so to ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)[31] so that it might quickly enter into force.

108. The meeting observed that the risk of discrimination on multiple grounds, such as race, ethnicity, gender and class, has increased with the feminization of migration.

109. The meeting recommended that Governments:

- Educate migrant women about their rights and ensure their access to all means of redress against all types of discrimination in all spheres of public and private life;
- Ensure respect for the social and economic rights of women migrant workers, including those working in the informal sector and domestic workers, on matters such as pay, annual and maternity leave, social security and protection;
- Provide and ensure access for migrant women to education and training as well as to income-generating activities;
- Promote sustained measures to ensure that migrant women who had been victims of gender-based crimes, such as rape and other forms of violence, including domestic violence, forced prostitution and trafficking, were granted adequate legal protection and support;
- Design health policies and training programmes for health-care officials to promote understanding of, and respect for, different cultural backgrounds and personal experiences relating to health, disease, sexuality, pregnancy and childbirth; and educate and train health-care professionals to deal with the specific health needs of migrant women;
- Elaborate and implement policies and programmes that guaranteed the full enjoyment of all human rights to all indigenous and tribal people, with special focus on the specific needs of indigenous and tribal women.

E. Recommendations to the United Nations system and to intergovernmental bodies

United Nations system

110. The meeting emphasized that, rather than take a holistic approach to the elimination of discrimination, the United Nations generally continued to address specific categories of discrimination.

111. The meeting recommended that the United Nations system:

- Develop new methodologies to identify the ways in which various forms of discrimination converge and impact on women and girls;
- Develop reporting and evaluation tools that could capture the effects of multiple forms of discrimination, including gender and racial discrimination;
- Mainstream an intersectional analysis of various forms of discrimination, including racial and gender discrimination, into the design and implementation of policies and programmes of the United Nations system in social, economic and political domains;
- Carry out an internal audit in order to determine the allocation of financial and human resources for development and implementation of specific policies and programmes to address the issues of intersectional discrimination, including such factors as age, race, ethnicity, disability and gender;
- Develop programmes and policies to sensitize and raise awareness among United Nations officials to the issue of intersection of gender and race discrimination and its impact on women and girls, as well as to the magnitude of the problem.

112. The Expert Group Meeting made specific recommendations to the Office of the United Nations High Commissioner for Human Rights. It recommended that:

- The Office of the United Nations High Commissioner for Human Rights take a proactive role in ensuring that women belonging to racial and ethnic minorities are fully protected in their enjoyment of all human rights — civil, political, economic, cultural and social rights, including the right to development;
- The United Nations High Commissioner for Human Rights, in her capacity as Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, ensure the incorporation of an intersectional analysis of gender and racial discrimination throughout the substantive

preparations, proceedings and themes of the World Conference;

- The Office of the United Nations High Commissioner for Human Rights mainstream an intersectional analysis of gender and race discrimination into the work of all mechanisms of the human rights system, including treaty bodies, commissions and the activities of the thematic and country-specific rapporteurs and working groups.

Security Council

113. The Expert Group Meeting welcomed Security Council resolution 1325 (2000) on women in armed conflict which recognized that the vast majority of those affected by armed conflict are women and children, and the importance of involving women in the prevention and resolution of conflict.

114. The meeting recommended that the Security Council:

- Ensure the effective implementation of the resolution with particular attention to women from marginalized groups;

- Include representation of marginalized women such as indigenous women, Roma women, Dalit women and others, in peace negotiations as well as negotiations regarding conflict and post-conflict resolution.

Commission on the Status of Women

115. The meeting recommended that the Commission:

- Incorporate intersectional analysis, in particular analysis of race and gender discrimination, into the substantive work of the Commission regarding the follow-up to the twenty-third special session of the General Assembly and further implementation of the Beijing Platform for Action. Such analysis should recognize and address other forms of discrimination, including age, sexual orientation, disability and class, and its impact on women and girls;

- Promote the incorporation of the intersectional analysis of race and gender discrimination and its impact on women and girls into the work of other functional commissions, especially into the process of review of implementation of other United Nations conferences;

- Focus during the upcoming discussion on women and AIDS, at its forty-fifth session in March 2001, on the racial as well as gender aspects of the HIV/AIDS pandemic, and elaborate the relevant policy recommendations.

United Nations human rights treaty bodies and special mechanisms

116. The meeting suggested that treaty bodies, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, should require a substantive analysis of violations occurring at the intersection of gender and race.

117. The meeting recommended that the Committee on the Elimination of Discrimination against Women:

- Develop general recommendations that addressed how women and girls experienced discrimination based on racism, related intolerance and other forms of discrimination following General Recommendation XXV[27] on gender-related dimensions of racial discrimination of the Committee on the Elimination of Racial Discrimination;

- Ensure that the intersection of gender and race discrimination was acknowledged, investigated and addressed while considering the reports of the States.

118. The meeting recommended that:

- The Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination should increase information-sharing and cross-referencing, and consider joint consultations and production of joint recommendations;

- The Division for the Advancement of Women of the United Nations Secretariat should organize a consultation with members of each of the United Nations treaty bodies to discuss methods of

intersectional analysis of various forms of discrimination;

- Each complaint procedure under the framework of the respective international human rights treaty, for example, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, should be examined to reveal the extent and scope of racial and gender discrimination;

- Treaty bodies and other human rights institutions should collect data disaggregated by sex and race to determine the extent to which women were subject to intersectional discrimination;

- The Special Rapporteurs analyse the patterns of violations of human rights taking into consideration the intersection of gender and racial discrimination.

119. The meeting particularly recommended:

- Consideration of the appointment of a United Nations Special Rapporteur on race and gender responsible for the collection, in a comprehensive and holistic manner, of the relevant data and information on intersectional discrimination against women, to be followed by the submission thereof to the appropriate complaint and reporting mechanisms.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

120. The meeting recommended that:

- The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which would be held in South Africa from 31 August to 7 September 2001, and the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance should pay specific attention to the issues of gender in considering their themes, and take into consideration the intersection of gender and racial discrimination and provide action-oriented recommendations in this area;

- The conclusions and recommendations of this Expert Group Meeting be available in all official languages of the United Nations and included in all preparatory meetings for the World Conference.

121. The meeting also recommended that:

- In the preparatory process and the World Conference itself, the adequate participation be ensured of women whose lives were directly impacted by racism, racial discrimination, xenophobia and related intolerance including indigenous, migrant, refugee and internally displaced women, women of colour, and Roma and Dalit women;

- At all stages of the preparatory process for the World Conference, the full participation be ensured of representatives from the Division for the Advancement of Women, UNIFEM and the International Research and Training Institute for the Advancement of Women, as well as from other specialized entities working in the area of advancement of women and gender equality;

- A permanent follow-up mechanism within the Office of the United Nations High Commissioner for Human Rights be established to coordinate, monitor and evaluate programmes to combat racism, racial discrimination, xenophobia and related intolerance in a gender-sensitive way, including the implementation of the final outcome of the World Conference.

Notes

[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 7* (E/2000/27), chap. I, sect. C.

[2] See General Assembly resolution 54/283 of 5 September 2000; and document A/54/238.

[3] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[4] See Economic and Social Council resolution 1998/12 of 28 July 1998, sects. I-III.

[5] General Assembly resolution S-23/3 of 10 June 2000, annex.

[6] Ibid., para. 69 (g).

[7] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[8] See General Assembly resolution S-21/2 of 2 July 1999, annex, para. 70.

[9] See General Assembly resolution S-24/2 of 1 July 2000, annex, sect. III, para. 122.

[10] General Assembly resolution 34/180, annex.

[11] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38* (A/45/38), chap. IV, para. 438.

[12] Ibid., *Fifty-fourth Session, Supplement No. 38* (A/54/38/Rev.1), part one, chap. I, sect. A.

[13] Ibid., para. 17.

[14] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[15] United Nations publication, Sales No. E.98.XIV.1.

[16] A/CONF.157/24 (Part I), chap. III.

[17] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 3* (A/52/3/Rev.1), chap. IV, para. 4.

[18] Available at http://hivinsite.ucsf.edu/social/un/2098.430d.html. Accessed on 13 February 2001.

[19] General Assembly resolution 217 A (III).

[20] See General Assembly resolution 2200 A (XXI), annex.

[21] Ibid.

[22] General Assembly resolution 260 A (III).

[23] General Assembly resolution 1904 (XVIII) of 20 November 1963.

[24] General Assembly resolution 2106 A (XX), annex.

[25] General Assembly resolution 2263 (XXII) of 7 November 1967.

[26] General Assembly resolution 48/104 of 20 December 1993.

[27] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 18* (A/55/18), annex V, sect. A.

[28] PCNICC/1999/INF/3.

[29] United Nations publication, Sales No. E.95.IV.1.

[30] United Nations publication, Sales No. E.99.IV.8.

[31] General Assembly resolution 45/158, annex.